



Green To Go Meeting  
October 17, 2011 City Hall Wing Rooms 118/119  
2:00 p.m. – 3:30 p.m.  
Minutes

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**Meeting Purpose:** During the sixth of eight meetings, the City will introduce an analysis and preferred solution to the options presented by community stakeholders. Community stakeholders will have the opportunity to provide input and comment.

**Attendees:**

<u>Name</u>	<u>Business</u>
Alex Aines	Santa Clara University
Kelsey Baker	Santa Clara University
Joshua Barousse	Silicon Valley Advisors
Matthew Cucuzza	Mc Govern Consulting/American Chemistry Council
Julia Harrison	Santa Clara University
Natalie Henry	Cascadia Consulting Group
Julie Kleis-Bramer	
Jimmy Le	Lee's Sandwiches
Bob Loreen	PAMS
Guyonna McCullough	St. James AME Church
Sheila Ngo	Council District 4
Leslie O'Malley	Our City Forest
Alex Ontiveros	South Bay Citizens for Recycling Solutions
Kate Slama	Santa Clara Valley Water District
Amanda Taylor	Santa Clara University
Lorena Vidrio	
Michael Westerfield	Dart Container

- I. Welcome and meeting overview by Carolina Camarena, Marketing Communications Representative
- II. Draft conclusion presented by Paul Ledesma, Trash and Litter Reduction Coordinator Environmental Services Department.  
[Link to the presentation](#)
- III. Presentation Questions & Input Comment Session

**Q:** Is the \$1.8 million under street sweeping the annual costs? Is that for one more piece of equipment?

**A:** Yes. The \$1.8 million represents the annual, on-going costs to double street sweeping in residential neighborhoods. This cost includes contractual costs to pay our garbage/recycling haulers to double their sweeps as well as increased parking enforcement costs. It does not include possible costs of re-negotiating the hauling contracts. (Refer to slide 4 option #5 of presentation)

**Q:** How does increased enforcement relate to a prohibition on foam take-out containers? Will increased enforcement happen only if a ban is passed?

**A:** Right now the options are not considered mutually exclusive. The City anticipates using a range of options to meet our permit requirements. Increased enforcement refers to enforcing anti-littering laws, minimum garbage collection frequencies, etc. (refer to slide 4, option #4 & #1 of presentation)

**Q:** How would the City enforce a ban?

**A:** The City currently inspects all restaurants in San José at least every 3 years. If a ban is passed it is expected that this item would be added to the current inspection check-list.

**Q:** What happens if a restaurant decides not to comply with a ban?

**A:** The City would first educate the restaurant on the purpose and requirements of the ordinance. If the restaurant still does not comply, they would face increasing enforcement that could escalate to an Administration Citation, which is a fine assessed for breaking the San José Municipal Code.

**Q:** Are these enforcement costs included in the administration costs of the ban program?

**A:** No. Because the enforcement would be rolled into existing inspections it is not anticipated to cause significant program changes or costs.

**Q:** What is the \$190K one time cost for the ban?

**A:** This cost represents outreach and public education costs to retailers and consumers about the program if a ban is enacted. (Refer to slide 4, option #1 on presentation)

**Q:** Can you explain what the T&E Committee is?

**A:** T&E stands for the [Transportation and Environment Committee](#). It is a sub-committee of the City Council that hears issues before they go to the full Council. The Committee is composed of four Council Members (Liccardo, Herrera, Campos, and Rocha) and meets the first Monday of every month at 1:30 p.m.

**Q:** What is next? Slide 2 of the presentation says options must reduce trash promptly but later it refers to reducing foam plastic litter. Reducing polystyrene might not reduce litter. Will San José ban foam and then find out there is still litter? It is expensive to get rid of all litter.

**A:** We're looking to bring the City into compliance with the [stormwater permit's](#) trash reduction goals. There are categories of trash/litter that are particularly problematic and polystyrene foam food ware is one of them. The City will pursue all of these options as they relate to the stormwater permit's trash reduction goal. We hope to have more detail on the level of effort we will pursue for each option in November. There will be separate stakeholder meetings to discuss the broad range of options the City will be using i.e. hiring enforcement inspectors. We are looking at all trash/litter, particularly uniquely problematic materials such as foam.

**Q:** What does the City propose restaurants use in place of foam products?

**A:** We are not specifying replacement products. For example, we wouldn't recommend compostable products because we do not have a composting facility that could handle that volume so we would not mandate restaurants spend more money for compostables.

**Q:** Can you speak about the City's trash reduction plan?

**A:** The trash reduction plan is a permit compliance document for the [City's stormwater permit](#), issued by the [Regional Water Quality Control Board](#). The plan will detail a list of actions the City will implement to achieve mandated trash reductions. Looking at polystyrene is one aspect that will go into this plan, along with other items such as full trash capture devices and additional street sweeping. This plan as well as a staff report on the polystyrene stakeholder process will both go to T&E in December.

**Q:** Would a ban just transfer the City's program costs to businesses because they will pay significantly more for polystyrene alternatives?

**A:** Right now the City and ratepayers bear the costs of dealing with foam pollution, not specifically the businesses that use foam or the manufacturers that produce it. If a ban moves forward, then, yes, it could increase costs for businesses that use foam products. Increased recycling has not been proven as a way to reduce litter. The idea of cleaning up our creeks and watersheds does not rest with government itself, but government itself provides a good nexus to bring together other government agencies, non-profits, businesses, residents, etc. that not just share the vision but also share the costs. The externalities should be proportioned fairly. We need the help of businesses to find a solution.

**Q:** Wouldn't the consumers of those businesses also share in the costs because the businesses will pass their increased costs to them? Some residents in Santa Cruz pay more now for foam alternatives.

**A:** That is a possibility. We haven't detailed what a ban may look like and if the costs of alternatives could be passed to consumers.

**Q:** We all want clean creeks and a decrease in litter but littering will not go away by banning polystyrene, as it will be replaced with another material. Will this other material be any different?

**A:** It depends on the alternatives used. Paper alternatives will degrade significantly before reaching our creeks.

**Comment** (from restaurant owner): Costs will increase for businesses.

**Q:** When does this permit expire? What are the trash reduction requirements? Is there a requirement to reduce polystyrene?

**A:** The permit expires in 2014. We have a February 1, 2012 deadline to report on the City's baseline trash load (this is an estimate of the trash that is currently generated in the City's river and creeks. From this baseline we will calculate the reductions) and the plan to reduce it by 40% by 2014. Within the plan to reduce trash there are a series of actions we can take. Prohibiting foam products is one of those actions.

**Comment:** Education is an important aspect and the City would be on the right track to pursue it. The 'Give a hoot, don't pollute' campaign in the 1970s was very successful.

**Q:** The only litter study I've seen from San Francisco showed that litter didn't decrease so how does this relate if the goal is to reduce trash?

**A:** In San Francisco foam litter did decrease. We invite you to go online and view the [presentation from the first meeting](#) which details the problem. That presentation has data from a Caltrans study that looked at trash/litter on land as well as in the storm system (what gets to our creeks). This study shows that there is more paper than foam litter on the streets but in the storm drains there is more foam because paper degrades.

**Q:** Is this what the litter audit will do?

**A:** Yes. Our baseline assessment is looking at how much trash and what type of trash is in our storm drain system.

**Q:** Will this information be available before February?

**A:** We hope it will be available before we go to T&E in December but the timing depends on the rain sampling event (this refers to sorting the materials in storm drains after it rains) and we don't know exactly when that will be because it depends on the weather. The last sampling was from 150 sites. The debris at all sites was sorted. Anecdotally, what we see is a lot of plastic. Not all of the plastic is foam but there is a lot of plastic, which is consistent with the Caltrans' study.

**Comment:** We should keep in mind that though this is about litter it is also about the affect we have on marine life. We need to see the broader picture and the benefits a ban will have, not just the increased costs.

**Comment:** What if this program makes restaurant owners unable to pay their mortgage and makes them loose their house? How will they explain that to their kids? The timing of this couldn't be worse given the current economic crisis.

**Comment** (from City): When the City initially went to T&E in February we were thinking of pursuing a ban and the direction we got was to study the possibility and implications of this option and to review other potential options. This process is to identify any alternatives; another conversation will take place before any policy action is taken.

**Comment** (from restaurant owner): Our industry is already heavily regulated. We are just waiting to see what we have to do next.

**Comment:** I don't want to discount the restaurant industry but it isn't fair to undervalue the marine ecosystem. It is our fault that organisms are eating this material and our poor decisions that led to this. I don't want to explain to my kids why there are no fish at the beach and you can only see them in aquariums.

**Comment:** As a business owner I will always want to minimize costs. Looking at the options available, will all of them be done? With a ban, the costs to businesses will also be a cost to customers. If the City implements all of the

options then the customer is paying for the increased cleanups as well as the increased costs to businesses. Maybe the options could be phased in to minimize the cost to consumers.

**Q** (posed to restaurant owner): Do you have restaurants in other jurisdictions that banned foam products?

**A:** Yes. We passed the increased costs to our customers.

**Comment:** The City does not have good data quantifying the costs to restaurants. Talking to Area Distributors in San José could provide information on what the ban option would mean for businesses. If the price of alternatives is double then that might change the ranking.

IV. **Action Items** for next Green *To Go* meeting, November 14, 2011

- a. Bob Loreen with PAMS to provide contact with Area Distributors
- b. City to contact Area to get information on the costs of non-foam alternatives.
- c. City to contact Jerry Le about quantities of takeout products used by restaurants and costs.

V. **Next Steps**

- a. At the November 14 meeting, staff will provide a summary of the stakeholder engagement process and input, a restaurant cost analysis, and the identified solution to be presented to the Transportation and Environment Committee.
- b. As a reminder, this is the sixth of eight meetings. Everyone is encouraged to attend all or as many as possible so that everyone has a full understanding of this issue.
- c. Please note: the next meeting will be **Monday, November 14**, from 2-3:30 p.m. at City Hall in Wing Rooms 118/119.
- d. All interested stakeholders are invited to the T&E meeting in December.